

CHAMBER

## UNITED STATES DISTRICT COURT

FILED

for the

Western

District of Oklahoma

MAY 13 2019

CARMELITA REEDER SHINN, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY ASB DEPUTYTHURMAN HARVEY HINES,  
(Enter the full name of the Plaintiff)

v.

JOE ALLBAUGH,

MIKE CARPENTER,

FULLER COOPER,

(Enter the full name of each Defendant. Attach additional sheets as necessary.)

Case No. CIV-19-439-PHW  
(Court Clerk will insert case number)PRO SE PRISONER CIVIL RIGHTS COMPLAINT

## I. Jurisdiction is asserted pursuant to:

☒ 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or☐ *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

Declaratory Relief under 28 USC § 2201 and § 2202  
Injunctive Relief under 28 USC § 2283 and § 2284 and Rule 65  
Federal Rules of Civil Procedure and 28 USC § 1367

## II. State whether you are a:

- ☒
- Convicted and sentenced state prisoner
- 
- ☐
- Convicted and sentenced federal prisoner
- 
- ☐
- Pretrial detainee

☐ Immigration detainee

☐ Civilly committed detainee

☐ Other (please explain) \_\_\_\_\_

**III. Previous Federal Civil Actions or Appeals**

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

**1. Prior Civil Action/Appeal No. 1**

**a. Parties to previous lawsuit:**

Plaintiff(s): Thurman Harvey Hines

Defendant(s): Jennifer Morris Blackaby; Heather Hill; and Mitzi Estraca et OSR

b. Court and docket number: CIV-15-901-R

c. Approximate date of filing: \_\_\_\_\_

d. Issues raised: Failure To Protect; Retaliation; Denial of Hygiene Supplies; Intentional / Negligent Infliction of Emotional Distress

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?):

Still pending

f. Approximate date of disposition: May 31 2019

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s). See Attached.

**IV. Parties to Current Lawsuit**

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: Thurman Harvey Hines

Address: Oklahoma State Penitentiary Box 97, McAlester, OK 74502

Inmate No.: 182745

2. Defendant No. 1

Name and official position: Joe Allbaugh - Director of the -  
Oklahoma Department of Corrections

Place of employment and/or residence: "0000" 3400 N. MLKing  
Ave, OKC, Oklahoma 73111

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

3. Defendant No. 2

Name and official position: Mike Carpenter - Interim Warden  
at Oklahoma State Penitentiary

Place of employment and/or residence: Oklahoma State Penitentiary  
P.O. Box 97, McAlester, OK 74502

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s). See attached



## V. Cause of Action

Claims

List the federal right(s) that you believe have been violated, and describe what happened.

Each alleged violation of a federal right should be listed separately as its own claim.

## 1. Claim I:

(1) List the right that you believe was violated:

Plaintiff believes his Eighth USC Amendment Right has been  
violated for Failure To Protect Plaintiff from known perceivable  
dangers, from threats of violence by the hands of other inmates

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Joe Albright : Mike Carpenter : FNU Dr. Cooper : Margaret Green :  
Susan Channon : Genevieve Bartuski : Tommy Williams  
FNU Day : FNU Polk

(3) List the supporting facts:

Each Defendant was placed on Notice through Inmate Request - Request  
To Staffs : Grievances and Medical Request that Plaintiff was being  
Bullied and suffering Verbal Abuse / Assault, threats of violence by his  
cellmate and denied request for single cell per Policy 03062 and that  
Mr. Wilkes is an Gay / Bi Sex Offender, that Plaintiff's cellmate stated  
that He does not cell with Cholas, Gays and some gang members and  
that Plaintiff is in fear of his life and needed Medical / Mental Health  
Services and has left Plaintiff in the cell with him to defend himself  
Plaintiff recollects and incorporates paragraphs (1-25) of Declaration.

- (4) Relief requested: (State briefly exactly what you want the court to do for you.)

Plaintiff request to be moved to a single cell per 030102 until we can find someone compatible to cell with me. Items:  
 b. Reimbursement of Legal Cost and fees for copies, pens, paper, filing Civil Action and Attorney's fees if applicable and \$25,000.00 compensatory and Punitive damages each.

2. Claim II:

- (1) List the right that you believe was violated:

Plaintiff believes his Eighth USC Amend Right to Adequate Clothing and Hygiene Supplies has been violated and Adequate Cleaning Supplies to clean cell and Block Mold, and Adequate laundry services.

- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Joe Allbaugh; Mike Carpenter; FNU MD Cooper; Margaret Green; Susan Channon.

- (3) List the supporting facts:

Each above Defendant was placed on Notice When Plaintiff sent them — Several "Inmate Request" — Request To Staff's and Grievances complaining about — having No laundry bag to wash clothing & Bedding; No Hygiene Supplies for two weeks at a time on two occasions and did nothing about it; and did not have any cleaning supplies to clean Mold and cell and daily bases; and Suffered Vomiting / Diarrhea for Several days inter alia; Plaintiff reallege and incorporates paragraphs 1 — 25 in Declaration.



- (4) Relief requested: (State briefly exactly what you want the court to do for you.)

To grant Plaintiff an injunction to Defendants to provide Plaintiff and all other inmates, hygiene supplies when they run out. To supply Plaintiff with cleaning supplies on daily or weekly basis and a sign out log. To supply Plaintiff with laundry bag, laundry services, legal cost.

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

#### VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.

Thurman Hines  
Plaintiff's Signature

May 08, 2019  
Date

Executed at the Oklahoma State Penitentiary P.O. Box 97, McAlester Okla. 74502 on this 08 day of May, 2019. Daytime Phone: None; Work: None  
Thurman Hines  
Plaintiff Pro Se Litigant

#### VII.

#### CERTIFICATE OF MAILING SERVICE

I, Thurman H. Hines, the under-signed, certify, verify that on this 09 day of May of 2019 that I mailed a true and correct copy of the foregoing instrument by placing the same in the ~~and correct~~ legal mailing system at OSP with first class prepaid postage thereon to:  
Court Clerk - Carmelita Reeder Shinn - U.S. Dist. Court W. D. Oklahoma  
200 N.W. 4th St, Rm 1210, OKC, Oklahoma 73102

Thurman Hines

### III. Previous Federal Civil Actions or Appeals continued:

#### 1. Prior Civil Action / Appeal No. 1

##### a. Parties to previous lawsuit:

Plaintiff(s): Thurman Harvey Hines

Defendant(s): Joe Allbaugh; Mark Knutson; Willa Burnet; Terrence Costello; Antwon Berry; Terra Stanley; Glenn Robinson and Terry Underwood

b. Court and docket number: CV-17642-R-US Dist. Court W.D. Oklahoma

c. Approximate date of filing: \_\_\_\_\_

d. Issues raised: Failure To Protect; Access To Courts; Retaliation; —

Intentional & Negligent Infliction of Emotional Distress; Conspiracy; —  
Disciplinary Due Process Violations

e. Disposition: Still pending

f. Approximate date of disposition: May 31, 2019

### IV. Parties to current lawsuit continued:

#### 4. Defendant No. 3.

Name and official position: Willie D. Cooper - Deputy Warden

Place of employment and/or residence: Oklahoma State Penitentiary P.O. Box-99, McAlester, Oklahoma 74503

How is this person sued? ☐ official capacity, ☐ individual capacity ☒ Both

#### 5. Defendant No. 4

Name and official position: Genieveve Bartuski - Psychologist

Place of employment and/or residence: Oklahoma State Penitentiary Box-99, McAlester, Oklahoma 74503

How is this person sued? ☐ official capacity ☐ individual capacity ☒ Both



## 6. Defendant No. 5

Name and Official Position: Tommy Williams - LieutenantPlace of employment and/or residence: 'OSP' Oklahoma StatePenitentiary P.O. Box-97, McAlester, Oklahoma 74502How is this person sued? ☐ official capacity ☐ individual capacity ☒ Both

## 7. Defendant No. 6

Name and Official Position: FNU E. Day - Law Library SupervisorPlace of employment and/or residence: Oklahoma State PenitentiaryP.O. Box-97 - McAlester, Oklahoma 74502. (H-C Unit)How is this person sued? ☐ official capacity ☐ individual capacity ☒ Both

## 8. Defendant No. 7

Name and Official Position: FNU Mrs. E. Polk - Law Library SupervisorPlace of employment and/or residence: Oklahoma State Penitentiary P.O.Box-97, McAlester, Oklahoma 74502 (A-D Unit)How is this person sued? ☐ official capacity ☐ individual capacity ☒ Both

## 9. Defendant No. 8

Name and Official Position: Margaret Green - Unit ManagementPlace of employment and/or residence: OSP - Oklahoma State PenitentiaryP.O. Box-97, McAlester, Oklahoma 74502How is this person sued? ☐ official capacity ☐ individual capacity ☒ Both

## 10. Defendant No. 9

Name and Official Position: Susan Channon - Case ManagerPlace of employment and/or residence: OSP - Oklahoma State PenitentiaryP.O. Box-97, McAlester, Oklahoma 74502How is this person sued? ☐ official capacity ☐ individual capacity ☒ Both



(i) List the right that you believe was violated:

(2) List the defendant(s) to this claim:

(3) List the supporting facts:

Each Defendant was placed on Notice of Matthews need of Hygiene Supplies & Cleaning Supplies for food in cell and toilet and waited for weeks or months - before Plaintiff received any. That Plaintiff needed a laundry bag to send out dirty soiled clothing and bedding, but has done nothing until this day. That Plaintiff needed access to the law library and denied me, for two weeks to perfect his Injunction and Civil Rights Complaint Between March 24, / May 3, 2019. That Plaintiff was being Bullied, suffering Verbal Abuse and threats of violence by ~~an inmate~~ ~~PSYC~~ ~~industrial~~ ~~Behavior~~ Unit C and left Plaintiff in cell with inmate to defend for himself. After Plaintiff informed the above Defendants of his previous civil actions CIV-15-90112 and CIV-17-0422 for the same actions taken by other Prison Officials. And when Plaintiff filed "Inmate Request" Request to Staff's and Grievances complaining about all of the above in more detail and failed to respond and provided services. Plaintiff reallege and incorporate paragraphs (1-30) in Declaration.



(4) Relief requested:

For the Court to issue an Injunctive Order to the OSP Defendants to Stop depriving Mr. Hines access to the Law Library Legal Research Center to Stop depriving Mr. Hines of Mygrenne Supplies when He runs out for the month to Stop depriving Mr. Hines of daily and/or Weekly cleaning supplies for cleaning cells to Stop depriving — and reading Mr. Hines legal copies to Stop depriving Mr. Hines of an Single cell per 030102 until a compatible inmate is located and \$5000<sup>00</sup> Compensatory and Punitive damages each for each defendant.

4. Claim IV:

(1) List the right that you believe was violated:

Conspiracy To Violate Plaintiffs Eighth & Amendment Rights

(2) List the defendant(s): Joe Albough / Mike Carpenter / FNU D. Cooper / Gen. Rev. Bartuski / Tommy Williams / FNU Polk

(3) List the supporting facts:

Each Defendant was placed on Notice, through Inmate Request - Request To Staff and Emergency or Sensitive Grievances and Medical Request and verbally in Lt. Williams office with Sgt. M. Morgan and Cpl. Tucker being present that Plaintiff was being bullied, suffering Verbal Abuse, and threats of violence, and that the inmate claimed what he would do to a [REDACTED] Gay person is they put anyone of them in his cell, and informed them that Plaintiff is [REDACTED] unforgiveness of his Sexuality - B1 - Sexual - Homosexual or Thinking about Transgender. But, they all said they could not help Plaintiff to be placed in a Single cell per 030102 and received a Misconduct Report by Dr. Bartuski, and Lt. Williams for coercion of staff for requesting Single cell that Plaintiff — and lives for and said that the Deputy Warden will not help Plaintiff either. Advised them that the inmate has [REDACTED] to First Fight Polk did not file papers. Plaintiff realigned and incorporate paragraphs 6. - 30 in Declaration 8.



(5) Claim V:

(1) List the right that you believe was violated:

Conspiracy to Violate Plaintiff's First USC Amendment Rights

(2) List the defendants:

Joe Allbaugh / Mike Carpenter / FNUO Cooper / FNU Day / FNU Park / Margzate Green / Susan Channon / Genieve Bertusk / Tommy Williams

(3) List the supporting facts:

Each Defendant was made fully aware of Plaintiff's need of Hygiene Supplies, Cleaning Supplies, laundry bag / services, access to LRC and inmates - threats of violence through Inmate Request, Request to Staffs, and grievances. After the Defendants were alerted of previous civil actions and lawsuit - potential civil actions for the same violations, through the requests. Deliberately choose not to respond to any further requests, grievances or even file request for grievances per request by Allbaugh / Carpenter / Cooper / Green / Channon / Park that all made an agreement to withhold Plaintiff reallege and incorporate paragraphs (1-3d) in Declarations.

(4) Relief requested:

For the Court to enter an Injunctive Order to the named Defendants to stop harassing and retaliating against inmates by depriving inmates of Hygiene Supplies when they run out for the month. To stop depriving inmates of a single cell per 030102 until an inmate is located that is compatible. To stop issuing false misconducts as punishment and provide adequate laundry services. To follow Policy 110215 / 110415.

(6) Claim VI:

(1) List the right that you believe was violated:

Intentional and Negligent Misrepresentation through the deprivation of Plaintiff's Eighth, First and Fourteenth USC Amend. Rights.



(2) List the defendants:

Allbough, Carpenter, Cooper, Jozay, Polk, Green, Channon, Bartuski  
and Williams

(3) List the supporting facts:

Each Defendant was give notice of his conditions of confinement and knew that Plaintiff had made several request for Hygiene Supplies, cleaning supplies, Adequate laundry services, Risk of Violence by the Hands of inmates and Access to the Law Library. He to file this §1983 and Injunction — Plaintiff began to suffer Mentally, Emotionally and physically by having continuous Vomiting and diarrhea, chest pains, checking sensations/panic attacks. Plaintiff incorporate and reallege paragraphs (1-30) in Plaintiff's Declarations.

(4) Relief requested:

\$15000.00 dollars in compensatory and Punitive Damages each for each defendant severally, jointly and individually.

(7) Claim VII:

(1) List the right that you believe was violated:

Intentional and Negligent Infliction of Emotional Distress

(2) List the defendants:

Allbough / Carpenter, Cooper, Green, Channon, Bartuski, Williams  
Kau Bay / Polk.

(3) List the Supporting facts:

Plaintiff recollects and incorporate paragraphs (1- ) in Plaintiff's  
Declarations.

(4) Relief requested

\$5000.00 dollars Compensatory and Punitive Damages each for each  
defendants Severally, Jointly and individually.

VI. Declarations continued:

I declare under penalty of perjury that the foregoing is true and correct:

Executed at OSP P.O. Box-92, McAlester, Oklahoma 74502

18 Thurman Hines \_\_\_\_\_ Date May 08 2019  
Plaintiff

VII.

CERTIFICATE OF MAILING SERVICE

I Thurman Hines, Certify that on this 09 day of May 2019 that I -  
mailed a true and correct copy of the foregoing instrument by placing the  
same in the legal mailing system at OSP, McAlester, Oklahoma with first class -  
prepaid postage thereon to:

Court Clerk - U.S. Dist. Court W. D. Oklahoma Room 414 S. Paw 1210, OKC, OK 73102

18 Thurman Hines \_\_\_\_\_  
Plaintiff Pro Se Litigant